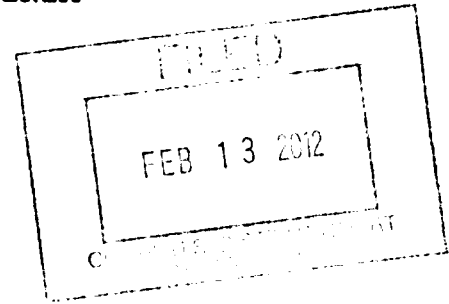


**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**



**ANEWBIS HARGROVE,  
Individually and on behalf of  
other similarly situated individuals,  
et. al.,**

**Plaintiffs,**

**v.**

**ACTION NO. 2:11cv344**

**RYLA TELESERVICES, INC.,**

**Defendant.**

**ORDER**

This matter comes before the court on Plaintiffs' Motion for Conditional Class Certification and Judicial Notice (ECF No. 27), filed on September 21, 2011, and on Defendant's Motion to Strike (ECF No. 36), filed on October 19, 2011. The Plaintiffs' motion was referred to United States Magistrate Judge Tommy E. Miller by Order on October 28, 2011, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Federal Rule of Civil Procedure 72(b). The Defendant's Motion to Strike was referred to the Magistrate Judge on November 4, 2011, pursuant to 28 U.S.C. § 636(b)(1)(A), Federal Rule of Civil Procedure 72(a), and the Standing Order on Assignment of Certain Matters to United States Magistrate Judges (Apr. 1, 2002).

The United States Magistrate Judge heard oral argument on both motions on November 28, 2011, and the Magistrate Judge's Report and Recommendation was filed on January 3, 2012. The Magistrate Judge recommended granting the Plaintiffs' Motion for Conditional Class Certification and Judicial Notice and denied Defendant's Motion to Strike. By copy of the Report and Recommendation, the parties were advised of their right to file written objections thereto. On January 20, 2012, the court received Defendant's Objection to the Magistrate Judge's Report and Recommendation, and on February 6, 2012, the court received Plaintiffs' Response to the objection.

The court, having examined the objection and response to the objection to the Report and Recommendation and having made de novo findings with respect thereto, does hereby adopt and approve in full the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed January 3, 2012. Accordingly, the court **GRANTS** Plaintiffs' Motion for Conditional Class Certification and Judicial Notice pursuant to Section 216(b) of the FLSA. The court **ORDERS** a sixty-day notice period for the putative class members to opt-in and authorizes Plaintiffs' counsel to send one reminder letter to these individuals if responses are not received by Plaintiffs within thirty days from the issuance of

the original notice. The court further **ORDERS** the Defendant to provide Plaintiffs a list, in Excel format, of all persons employed by Defendant as customer service representatives in its Norfolk, Virginia call center for the previous three years, within five days of receipt of the Court's order, which list shall include each employee's name, last known address, telephone number, employment dates, employment location, last four digits of their social security number, and date of birth.

As to Defendant's Motion to Strike, the court will not disturb a magistrate judge's ruling on non-dispositive pre-trial matters unless the ruling was "clearly erroneous or is contrary to law." 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a). The Defendant contends in its Motion to Strike and Objection that certain allegations in Plaintiff Hargrove's declaration should be stricken in light of Plaintiff Hargrove's deposition testimony. The court does not agree with Defendant that Plaintiff Hargrove's deposition testimony contradicts his declaration, and, therefore, the Magistrate Judge's holding was not clearly erroneous or contrary to the law.<sup>2</sup> The Defendant's objection is **OVERRULED**.

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<sup>2</sup> Moreover, in so reviewing the record, the court concludes it would make a de novo ruling denying the Motion to Strike, if called upon to do so.

The Clerk shall forward a copy of this Order to counsel for the parties.

IT IS SO ORDERED.

/s/  
Rebecca Beach Smith  
Chief  
United States District Judge *RB*

REBECCA BEACH SMITH  
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia  
February 13, 2012